

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ROSE THUMIM

Claim No. CU -3750

Order No. CU-34

Under the International Claims Settlement
Act of 1949, as amended

ORDER OF DISMISSAL

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in an unspecified amount, was presented by ROSE THUMIM, and is based upon the asserted loss of a shareholder interest in the Vertientes-Camaguey Sugar Company of Cuba. Claimant states that she has been a national of the United States since her birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, **intervention** or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp.1967).)

This claim is based upon the asserted ownership of 100 shares of stock in the Vertientes-Camaguey Sugar Company of Cuba. The records of the Commission reveal that claimant has authorized the Vertientes-Camaguey Sugar Company of Cuba to represent her before the Commission in any and all claims arising from the confiscation of that company's assets by the Cuban Government.

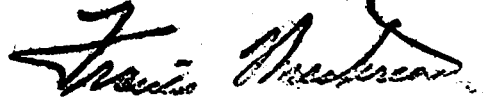
Accordingly, without prejudice to the right of the claimant to participate in the claim filed by the Vertientes-Camaguey Sugar Company as agent for its consenting stockholders, it is:

ORDERED that this claim be and it is hereby, dismissed.

Dated and entered
at Washington, D. C.

FEB 7 1968

By Order of the Commission



Francis T. Masterson
Clerk